

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAMON LANDOR,

Plaintiff

V.

**B.A. BLEDSOE, Warden;
B. TRATE, Captain; and
LT. HEPNER,**

Defendants

[illegible]

Civil No. 1:11-CV-759

(Judge Caldwell)

(Magistrate Judge Carlson)

ORDER

This case comes before the Court for consideration of two motions, styled motions to amend complaint, (Docs. 74 and 87.), filed by the Plaintiff, a federal prisoner who is proceeding *pro se*. A review of the docket in this matter reveals the following: First, Landor has previously been granted leave to amend, and has filed an amended complaint. Therefore, these proposed pleadings would, in fact, be his second and third amended complaints. Second, examination of the proposed amended complaints reveal that they are not, in fact, in the nature of a complaint under Rule 8, a “short and plain” statement of a cause of action. One of these documents, (Doc. 87.), simply seeks to include a prisoner affidavit that has been previously filed by Landor in the record of the case. The second proposed motion to amend, (Doc. 74.), is really more in the nature of a legal argument designed to rebut

the pending motion to dismiss or for summary judgment filed by the Defendants. Finally, we note that the Plaintiff has not filed a brief in support of either of these motions as he is required to do by Local Rule 7.5, which provides that the failure to timely file a brief in support of a motion permits the Court to deem the motion withdrawn. Because these motions to amend lack legal merit, have not been supported by briefs, and, therefore, under Local Rule 7.5 are deemed withdrawn, See, e.g., Salkeld v. Tennis, 248 F. App'x 341 (3d Cir.2007) (affirming dismissal of motion under Local Rule 7.5); Breslin v. Dickinson Twp., 1:09-CV-1396, 2011 WL 1577840 (M.D. Pa. Apr. 26, 2011); Prinkey v. Tennis, No. 09-52, 2010 WL 4683757 (M.D. Pa. Nov. 10, 2010) (dismissal under Local Rule 7.5); Griffin v. Lackawanna County Prison Board, No. 07-1683, 2008 WL 4533685 (M.D.Pa. Oct.6, 2008) (dismissal under Local Rule 7.6), the motions to amend (Docs. 74 and 87.), are DENIED.

So ordered this 8th day of November 2012.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge